TECHNICIANS OVERSEAS

“STATUS is EVERYTHING”

“[T]he military nature of the technician program is paramount over all other considerations …”

- ***DoDD 1205.18, paragraph 4.11***

General Rule

"Technicians *must be in military status* whenever performing duties when their destination or duty location is *outside the territorial jurisdiction of the United States.*"

- ***31 July 1995 CSAF Memorandum (Emphasis Added)***

Reserve Exceptions

- Routine support missions out of the CONUS, unless missions are into hostile fire areas
- 403 AW Weather Squadron members when deployed in support of the weather mission
- Conference attendance, site visits, recovery of routine support aircraft with maintenance problems (not in hostile fire areas)
  - *USAF/CV Memorandum, 21 November 1995*

Military Status???

Active Duty (HQ USAF/RE Policy)

- *AF Reserve personnel may not perform IDTs in foreign overseas locations.*
- *Exception: AF Reserve personnel with assignments/attachments to foreign overseas locations are permitted to perform IDTs as directed by those overseas locations.*
  - *Transmitted by HQ AFRC/DPMB E-Mail, 9 Nov 2000*

Advantages of Military Status

- Covered by LOAC as combatants
- SOFA coverage - May be "members of the force" depending on SOFA terms
  - *Ease of immigration*
  - *Arming of aircrew members*
- In Line of Duty if injured or killed

Advantages of Military Status

- **Subject to Uniform Code of Military Justice**
  - ***Waiver of foreign criminal jurisdiction***
  - ***Commanders have full military authority***
- **Full military benefits overseas possible**
  - ***Customs, taxes, duty free benefits***

Problems With Civilian Status

- No chain of command
- Fully subject to local laws for offenses
  - *Immigration, customs, taxes, arming*
- U.S. potentially subject to lawsuits from civilian employees (Feres - OWCP)
- Private life and medical insurance exclusions

5 USC 6323(d)(1)

- A military technician is entitled to leave without loss of pay …
- At such person's request …
- For 44 workdays in a calendar year …
- For active duty without pay …
- For operations outside the United States …

QUESTIONS ?